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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/981,955	10/17/2001	Reimund Stingl	(Z) 00091	8418
7590 08/04/2005			EXAMINER	
M. Robert Kestenbaum 11011 Bermuda Dunes NE Albuquerque, NM 87111			NGUYEN, THONG Q	
			ART UNIT	PAPER NUMBER
			2872	

DATE MAILED: 08/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



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AUG 01 2005

M. ROBERT KESTENBAUM
11011 Bermuda Dunes NE
Albuquerque, NM 87111

In re Application of:
Reimund Stingl
Serial No.: 09/981,955
Filed: October 17, 2001
Attorney Docket No.: (Z)00091PUS

DECISION ON PETITION
TO WITHDRAW HOLDING OF
ABANDONMENT

This is a decision on the communication filed March 16, 2005, requesting reconsideration of the holding of abandonment under MPEP 711.03. The communication has been treated as a petition under 37 C.F.R. § 1.181, to withdraw the holding of abandonment. No fee is required.

The petitions are **GRANTED**.

The application was held abandoned for failure to timely file a reply to the Office letter mailed on March 07, 2003. A Notice of Abandonment was subsequently mailed on December 20, 2004.

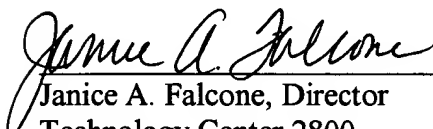
Petitioner asserts that the abandonment of the application is improper since there was no Office letter mailed on March 7, 2003. Petitioner states that an Election Requirement was mailed on March 10, 2003, and that a response was filed on June 11, 2003. Further, Petitioner states that the response included a request to reset the period for response since the Election Requirement was not received until almost two months from the mailing date. It is asserted that the Petitioner contacted the Examiner of record on July 03, 2003, to discuss the response. Petitioner asserts that the Examiner stated that the response would not be entered because no extension of time fee was included, and Petitioner's request to reset the period for response was not sufficient. The Examiner told Petitioner that his options were to pay the extension of time required, or file a petition to restart the period for response.

A review of the file record indicates that a notice of deficient fees, with a set period for response, was never sent after the receipt of the response on June 11, 2003. Further, it is noted that a General Authorization to charge the Deposit Account for necessary fees was file with the application on October 17, 2001. As such, the fee for the extension of time should have been

charged by the USPTO on June 11, 2003, when the response was filed. Therefore, the application should not have been held abandoned.

For the above stated reason, the petitions are granted. The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn. The application is restored to pending status. The Petitioner's Deposit Account will be charged the three (3) month extension fee for the response. Should Petitioner feel the fee was in excess, or charged in error, a petition for refund may be filed. The response will be entered and the application will be returned to the examiner for further prosecution.

Any inquiry concerning this petition should be directed to Clayton E. LaBalle at, Special Program Examiner, at (571) 272-1594.



Janice A. Falcone, Director
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